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 Attorneys for Defendants

**UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEW JERSEY
 CAMDEN, NEW JERSEY**

RHONDA DENSON JOHNSON	:	
	:	Civil Action Number: 07-cv-04212
Plaintiff,	:	(RBK)-(AMD)
	:	
v.	:	
	:	
ATLANTIC COUNTY, GARY	:	
MERLINE, JAMES GAZZARA,	:	
JOSEPH BONDISKY, JOHN BROWN,	:	CONSENT DISCOVERY
EDWARD PITTMAN, and HENRY	:	CONFIDENTIALITY ORDER
JAMIESON, jointly, severally and/or in	:	
the alternative,	:	
Defendants.	:	
	:	

THIS MATTER having come before the Court upon the joint application of Donna M. Taylor, Assistant County Counsel, Atlantic County Department of Law, counsel for defendants, and Paul R. Melletz, P.A., counsel for plaintiff, for the entry of a consent order protecting certain confidential information that may be produced in discovery in these matters, and counsel having consented to the form and entry of this order, and for good cause shown;

IT IS on this 11 day of AUGUST, 2008,

ORDERED as follows:

1. The parties in this matter recognize that many of the documents requested in discovery contain confidential information that implicates protectable privacy concerns of named parties and non-party employees, and present and former employees of the

Atlantic County Department of Public Safety, Atlantic County Justice Facility, Division of Adult Detention (hereinafter "ACJF").

2. The provisions of this Consent Order shall govern the use and dissemination of any and all data files, such as Internal Affairs files, Personnel files, Discipline files, which contain confidential records and information regarding parties, non-parties, and present employees and former employees of the ACJF, unless otherwise ordered by the Court.

3. The contents of the Internal Affairs files, Personnel files, and Discipline files of parties, non-parties, and present and former employees of the ACJF shall be and hereby are designated as "Confidential" material in this litigation. Parties may challenge a party's confidentiality designation by making a separate application to the Magistrate Judge after satisfying the good faith requirement of L. Civ. R. 37.1(b)(1).

4. All confidential records and information, which fall within the scope of paragraph "3" above, and copies thereof, absent an Order of the Court to the contrary, shall only be disclosed to parties to this litigation, counsel, court personnel, and expert witnesses, or consultants employed by the parties. Disclosure to expert witnesses, consultants, and employees of the parties shall only be made after the recipient has read and signed the attached "Undertaking." Counsel for all parties shall keep such Undertakings on file, to be produced upon Order of the Court.

Further, the parties shall not be given documents or copies thereof at anytime, except copies of depositions. The parties agree to be bound by this agreement and will not disclose, discuss or utilize any confidential information or material with anyone other than their attorney. The parties and their attorneys agree to use any and all confidential information for this litigation only and exclusively.

5. Confidential records and information shall be used only by persons permitted access pursuant to paragraph "4" above, and shall be used only for a purpose directly related to the prosecution or defense of this action, including the settlement thereof, and shall not be used for any other purpose whatsoever nor shall it be disclosed to persons other than those specified herein.

6. Any party may designate a portion of a deposition Confidential at the time the deposition is taken or up to fifteen days after receipt of a copy of said deposition transcript and exhibits by counsel.

7. Except as set forth herein, confidential records or confidential information shall not be disclosed by any person or otherwise disseminated, unless such materials shall become public in a manner not in violation of this Consent Order.

8. In the event any information or document subject to the confidentiality restrictions of this Order is contained within any pre-trial depositions, briefs or other documents that a party intends to file with the Court, or is referred to in any hearing before the Court, the proponent of the submission agrees to file a formal motion to seal such confidential information pursuant to L.Civ.R. 5.3(c) prior to the submission of the information to the Court.

9. This Consent Order shall not preclude any person from moving before this Court for an Order that confidential information is not, in fact, within the scope of protection, or for an Order modifying this Consent Order. During the pendency of such motion, and until a determination on the merits has been made by the Court, the document or information asserted to be confidential information shall continue to be treated as such under the terms of this Consent Order.

10. Nothing contained in this Consent Order shall constitute an admission by any party that any document or information designated as confidential is relevant or admissible.

11. Within 45 days of the final termination of this litigation, including any appeals, each counsel, expert, consultant, and other person subject to the terms of this Consent Order, except Court personnel, shall be under an obligation to assemble and to promptly return to the origination source, all documents and things including or embodying confidential information, including without limitation, all copies, excerpts, summaries, notes, digests, abstracts and indices thereof, and all documents and things which have been prepared relating thereto, except that legal counsel for each party may retain one set of pleadings and other papers filed with the Court, including transcripts and deposition exhibits.

12. This Consent Order shall survive the termination of this action.

13. This Consent Order shall be subject to modification by a judge or magistrate judge at any time.

SO ORDERED:




Ann Marie Donio, U.S.M.J.

The undersigned hereby consent to the form and entry of this Discovery Confidentiality

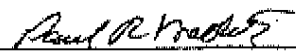
Order:

ATLANTIC COUNTY LAW DEPARTMENT

By: 
Donna M. Taylor, Esquire
1333 Atlantic Avenue, 8th Floor
Atlantic City, NJ 08401
Counsel for Defendants

Dated: 8/7/08

PAUL R. MELLETZ, P.A.

By: 
Paul A. Melletz, Esquire
112 Haddonstowne Court, Suite 103
Cherry Hill, NJ 08034
Counsel for Plaintiff

Dated: 8/8/08

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN, NEW JERSEY**

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	:	Civil Action Number: 07-cv-04212
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ATLANTIC COUNTY, GARY	:	
MERLINE, JAMES GAZZARA,	:	
JOSEPH BONDISKY, JOHN BROWN,	:	
EDWARD PITTMAN, and HENRY	:	
JAMIESON, jointly, severally and/or in	:	
the alternative,	:	
Defendants.	:	
	:	

UNDERTAKING BY:

_____, being first duly sworn, states:

1. I have received the attached copy of the Consent Discovery Confidentiality Order ("Consent Order") in this case, and I have carefully read and understand the provisions of the Consent Order.
2. I acknowledge that I am being given access in this lawsuit to information designated as Confidential under the terms of the Consent Order, and I agree to be bound by, and comply with, all of the provisions of the Consent Order.
3. I further submit myself to the jurisdiction of the United States District Court for the District of New Jersey, Camden, for the purpose of enforcing, modifying or seeking other relief under the Consent Order.
4. During the pendency and after final termination of this case, I will hold in confidence and not disclose any Confidential records to anyone not qualified to have access under paragraph "4" of the Consent Order.
5. As soon as practicable, but no later than forty-five (45) days after final termination of this action, I will return all documents and things containing confidential records, including, without limitations, all copies, excerpts, summaries, notes, digests,

abstracts and indices thereto, which have come into my possession, custody or control, and all documents and things which I have prepared relating thereto, to the legal counsel from whom I have received the confidential information.

Date

Signature

Print Name

Sworn to before me this

_____ day of _____, 20____.

Notary Public